

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALAN J. BARRERO (10),

Defendant.

Case No. 17-20038-10-DDC

MEMORANDUM AND ORDER

Mr. Alan J. Barrero filed a Motion to Appoint Counsel (Doc. 898) to assist him in filing a motion for compassionate release. As explained below, the court denies Mr. Barrero's motion.

Mr. Barrero requests appointment of counsel to assist with filing a motion for compassionate release due to his medical conditions during the COVID-19 pandemic. Doc. 898 at 1. "There is no constitutional right to counsel beyond the direct appeal of a criminal conviction[.]" *Coronado v. Ward*, 517 F.3d 1212, 1218 (10th Cir. 2008); *see also United States v. Campos*, 630 F. App'x 813, 816 (10th Cir. 2015) ("No right to counsel extends to a § 3582(c)(2) motion."). When exercising its "broad discretion" to decide whether to appoint counsel to an indigent litigant, the district court "should consider a variety of factors, including the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims." *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991).

Mr. Barrero's Motion to Appoint Counsel asserts that the warden has denied his request for compassionate release. Doc. 898 at 1. And, he seeks a reduction in his sentence because of his kidney disease and Hepatitis C. *Id.* After considering Mr. Barrero's demonstrated ability to

present his claim for compassionate release, the nature of the claim's factual issues, the claim's merits, and the complexity of its legal issues, the court concludes that the appointment of counsel is not warranted here. None of these considerations identify an issue that warrant appointment of counsel. The court thus denies Mr. Barrero's Motion to Appoint Counsel (Doc. 898). Naturally, Mr. Barrero remains free to retain private counsel.

IT IS THEREFORE ORDERED BY THE COURT THAT Mr. Barrero's Motion to Appoint Counsel (Doc. 898) is denied.

IT IS SO ORDERED.

Dated this 11th day of December, 2020, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge